

### **REMARKS/ARGUMENTS**

The Office action of June 25, 2003 has been carefully considered.

Claims 1, 14, 25, 33, and 41 have been amended. Claim 36 has been canceled without prejudice.

No new matter has been added by this Amendment.

Reconsideration and allowance of the pending claims are respectfully requested.

Applicant thanks Examiner Choi for the courtesies extended to applicant's representatives, Karen G. Horowitz (Reg. No. 35,199) and David D. Lee (Reg. No. 51,929), during the telephonic interview of September 10, 2003. Comments made during the interview with respect to patentability are incorporated below.

### **Rejections under 35 U.S.C. § 102**

Claims 1-3 and 11-13 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,953,824 to Ferraro et al. ("Ferraro"). This rejection is respectfully traversed.

Claim 1 recites that the connector assembly "permits said shaving head to exhibit a first movement toward and away from said handle into and out of a rest position with said shaving head transverse axis maintaining a constant orientation with respect to said handle longitudinal axis."

In contrast, Ferraro discloses a razor with a shaving head connected to a handle by movable arms 10 that allow a shaving head that is connected to the arms to pivot about a first axis and to roll about a second axis that is orthogonal to the first axis. As shown in Fig. 4 of Ferraro, the cross beam 90 that connects arms 10 together moves in a swivel or "see-saw" motion about a pivoting pin 52. Because the pivoting pin 52 does not move during use of the razor, both arms cannot move backwards simultaneously in response to a force. Instead, the backwards movement of one arm must result in the forward movement of the other arm. Thus, any movement of a shaving head attached to the arms must result in the transverse axis of the shaving aid varying in orientation. As such, Ferraro fails to anticipate each and every element of claim 1.

Therefore, for at least this reason, independent claim 1 and all claims depending therefrom are patentable over Ferraro. Withdrawal of this rejection of claims 1-3 and 11-13 accordingly is respectfully requested.

Claims 14, 15, 25, 26, 29, 30, 33, 34, and 41 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,347,663 to Ullmo ("Ullmo"). This rejection is respectfully traversed.

Independent claim 14 recites that "said head-engaging element and said handle-engaging element are shaped and configured to engage with each other to result in coupling without the need for a separate coupling element."

In contrast, Ullmo discloses riveting ears 64 of a blade assembly carrier 50 to tabs 40 of a handle 20. Ullmo, column 4, lines 50-53. The blade assembly carrier 50 in turn holds the blade assembly 70. The rivets 46 used to connect the blade assembly carrier 50 to the handle 20 are separate and distinct elements of the shaver disclosed in Ullmo. Therefore, Ullmo clearly does not disclose each and every element of claim 14, as it is clear that the shaver of Ullmo requires a separate coupling element (rivets 46). Thus, independent claim 14 and all claims depending therefrom are patentable over Ullmo.

Independent claim 25 recites that "one of said cartridge-engaging element and said handle-engaging element" is "insertable into the other to result in coupling of said cartridge-engaging element and said handle-engaging element upon insertion." As discussed above, the tabs and ears of Ullmo, while insertable into each other, require the use of rivets to couple them together. Therefore, because the insertion of the ears into the tabs cannot "result in coupling" of the cartridge-engaging element and the handle engaging element "upon insertion," as recited in claim 25, Ullmo fails to anticipate each and every element of claim 25. Thus, independent claim 25 and all claims depending therefrom are patentable over Ullmo.

Independent claim 33 recites that the handle-engaging element and the handle-engaging element are "formed on" the shaving head and the handle, respectively, and are "configured for insertion of one into the other to result directly in coupling of said shaving head to said handle." The term "directly" had previously been deleted from the claim. During the September 10 interview, the meaning of the term "directly" was discussed and clarified as meaning that no further step or element is necessary to couple the two elements together. Therefore, because the mere insertion of the tabs 40 into the ears 64 of Ullmo is insufficient to couple the shaving head and the handle together, Ullmo cannot anticipate at least this element of claim 33, and independent claim 33 and all claims depending therefrom are patentable over Ullmo.

Finally, independent claim 41 recites a connector assembly having an “insertion element formed on one of said shaving head and said handle,” wherein the “insertion element is shaped to be retained in said cutout without the provision of an additional coupling element.” As discussed above, neither the tabs nor the ears of Ullmo are shaped to be retained in the other of the tabs or the ears without the use of rivets, and the rivets clearly are not “formed on” either the handle or the shaving head. Thus, neither the tabs, the ears, or the rivets of Ullmo can be an “insertion element” as recited in independent claim 41. Therefore, Ullmo fails to disclose each and every element of independent claim 41, and independent claim 41 and all claims depending therefrom are patentable over Ullmo.

For at least the reasons discussed above, independent claims 14, 25, 33, and 41, as well as their dependent claims 15, 26, 29-30, and 34, are not anticipated by Ullmo. Withdrawal of this rejection of claims 14-15, 25-26, 29-30, 33-34, and 41 accordingly is respectfully requested.

#### **Rejections under 35 U.S.C. § 103**

Claims 1-9, 11-13, 16, 18-22, 24, 27, and 35-37 have been rejected under 35 U.S.C. § 103(a) as being obvious over Ullmo in view of U.S. Patent No. 4,198,746 to Trotta (“Trotta”). This rejection is respectfully traversed.

Independent claim 1 recites that “at least a portion of said connector assembly is resiliently yieldable to permit coupling of said shaving head to said handle.”

In contrast, as discussed above, Ullmo discloses the use of tabs, ears, and rivets to couple a handle to a blade carrier assembly. None of these elements of Ullmo is “resiliently yieldable.” Instead, the tabs 40 are inserted into ears 64 and rivets are inserted through holes in the tabs and ears and are permanently deformed to couple the tabs and ears together. Therefore, Ullmo does not teach or suggest this element of independent claim 1.

Likewise, Trotta also fails to teach or suggest every element of independent claim 1. Trotta discloses a razor handle having a connector assembly that only permits a shaving head to pivot (in a pitching movement) about an axis. Therefore, there is no teaching or suggestion in Trotta for a connector assembly that permits a shaving head to undergo a “first movement” toward and away from the handle as recited in independent claim 1.

Because Ullmo and Trotta disclose two different connector assemblies that couple a shaver head to a shaver handle in different manners, there is no motivation to combine the

connector assembly of Trotta with that of Ullmo to result in a connector assembly with resiliently yieldable elements that also allows a shaving head to undergo a first movement toward and away from a handle, as recited in claim 1. Furthermore, it would also be improper to combine the connector assembly of Trotta with that of Ullmo because such a proposed combination would change the principle of operation of the principle reference being modified. MPEP § 2143.02, *citing In re Ratti*, 270 F.2d 810, 813 (CCPA 1959). Therefore, independent claim 1, and claims depending therefrom are patentable over Ullmo and Trotta, whether taken alone or in combination.

Each of claims 16, 18-22, 24, 27, and 35-37 depends from one of independent claims 14, 25, and 33. As discussed above, independent claims 14, 25, and 33 are patentable over Ullmo. Therefore, claims 16, 18-22, 24, 27, and 35-37 are also patentable as being dependent upon a patentable independent claim.

Therefore, claims 1-9, 16, 18-22, 24, 27, and 35-37 are not obvious over Ullmo in view of Trotta. Withdrawal of this rejection of claims 1-9, 16, 18-22, 24, 27, and 35-37 accordingly is respectfully requested.

#### **Allowance of Withdrawn Claims**

Claims 10, 17, 23, 28, 32, and 38-40 have been previously withdrawn from consideration. As stated in the Response to Restriction Requirement and Election of Species Requirement of September 24, 2001, it is respectfully requested that all claims that are dependent upon an allowed generic claim be allowed as well.

It is respectfully submitted that all claims as presented herein are in condition for allowance, early notice of which would be appreciated. Should the Examiner disagree, then a personal or telephonic interview is respectfully requested to discuss any remaining issues and to expedite the allowance of this application.

No fee is believe due for this submission. Should any fees be required, please charge such fees to Pennie & Edmonds LLP's deposit account no. 16-1150.

Respectfully submitted,

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*by: David D. Lee* 51,929  
*Karen G. Horowitz* 35,199  
Karen G. Horowitz (Reg. No. 35,199)  
by: David D. Lee (Reg. No. 51,929)

**PENNIE & EDMONDS LLP**  
1155 Avenue of the Americas  
New York, NY 10036  
(212) 790-9090